

The Honorable Robert J. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

FIRS HOME OWNERS ASSOCIATION,

Plaintiffs,

vs.

CITY OF SEATAC,

Defendants.

No. C 19-1130-RSL

MOTION TO EXTEND TIME TO FILE
RESPONSE IN OPPOSITION TO
DEFENDANT'S MOTION TO DISMISS

Noted on Motion Calendar:

November 1, 2019

I. MOTION

Pursuant to Fed. R. Civ. P. 6(b)(1)(A) Plaintiffs Firs Home Owners Association (the "Plaintiffs"), by and through counsel, move the court for an order continuing the October 21, 2019 deadline for filing a response in opposition to the Defendant City of SeaTac's ("Defendant") Motion to Dismiss to a date after this court rules on the Plaintiff's Motion to Amend Complaint that is set for hearing on November 1, 2019. Dkt. No. 21. Additionally, since the Defendant filed a motion to dismiss that is set for hearing on October 25, 2019, it would make more sense to respond after the court rules on whether or allow a comprehensive amendment to the complaint that potentially moots out the motion to dismiss.

II. STATEMENT OF FACTS

The Plaintiffs filed their complaint on July 3, 2019 in the Superior Court of Washington in the County of King asserting causes of action for violations of the Washington Law Against

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(No. C19-1130RSL)

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1 Discrimination at Chapter RCW 49.60 (“WLAD”). *See* Dkt Nos. 1-2. On July 22, 2019,
 2 Defendant City of SeaTac removed the case to the United States District Court for the Western
 3 District of Washington in Seattle and on July 23, 2019 filed an Answer to the Complaint with
 4 Affirmative Defenses. *See* Dkt No. 5. Thereafter, on September 26, 2019, Defendant SeaTac
 5 filed a Motion to Dismiss for Failure to State a Claim, even though they had already filed a
 6 responsive pleading in this matter. *See* Dkt No. 17.

7 On October 14, 2019, the Plaintiff filed a Motion to Amend the Complaint to
 8 comprehensively amend the initially filed complaint after receiving documents responsive to a
 9 public records request that contradicted information the Defendant had previously stated in the
 10 related proceeding, *Medina, et. al, v; City of SeaTac, et. al*, King County Superior Court case
 11 number 17-2-07094-7 KNT. *See* Dkt No. 21, 22. Plaintiffs believe their motion to amend the
 12 complaint provides good cause to extend the time to for them to file a response to the motion to
 13 dismiss. *See* Vicente Omar Barraza’s Declaration in Support of Motion to Extend time, at ¶ 3.

14 III. ARGUMENT

15 A. Defendants

16 Fed. R. Civ. P. 6(b)(1)(a) provides that the Court may extend filing deadlines in its
 17 discretion. The Plaintiffs seek this extension of time for good cause shown and in the interest of
 18 justice, not for delay, and no party will be prejudiced if the extension is granted.

19 The Court has broad discretion in supervising the pretrial phase of litigation. *Zivkovic v.*
 20 *Southern California Edison Co.*, 302 F.3d 1080, 1087 (9th Cir. 2002). The good cause standard
 21 set for in Federal Rule of Civil Procedure 6 and 16 govern because the request was made before
 22 the deadline to file a response in opposition to the motion to dismiss is due on October 21, 2019.
 23 Fed.R.Civ.P. 6(b)(1). Because the Plaintiffs have already filed their motion to amend complaint
 24 with supported declaration which was filed prior to the noting date for the pending motion to
 25 dismiss, the Plaintiffs have showed good cause to extend the October 21, 2019 deadline to file a
 26 responsive opposition to the motion to dismiss without prejudice to the Defendant. Their motion
 to dismiss was filed early on in this case before any party has had an opportunity to start

discovery. Additionally, since the Plaintiffs have obtained information that allowed them to substantively amend their complaint in a manner that addresses the issues in the Defendant's Motion to Dismiss, a continuance is warranted and requested in good faith.

IV. CONCLUSION

For the foregoing reasons, the Plaintiffs respectfully request this Court grant their motion for an order continuing the October 21, 2019 deadline to file a responsive objection to Defendant's Motion to Dismiss until after the court rules on the Plaintiff's Motion to Amend Complaint that is set for November 1, 2019.

DATED: October 17, 2019.

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CERTIFICATE OF SERVICE

I hereby certify that on the date below, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

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DATED October 17, 2019, at Seattle, Washington.

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